

Message Text

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47 41

ACTION SS-15

INFO OCT-01 ARA-06 IO-10 ISO-00 DLOS-03 COA-01 L-02 EB-07

SSO-00 INRE-00 NSCE-00 NSC-05 CIAE-00 INR-07 NSAE-00

RSC-01 COME-00 TRSE-00 OES-03 INT-05 SP-02 PRS-01

AGR-05 CG-00 DOTE-00 DODE-00 PM-03 JUSE-00 /077 W

----- 022305

O R 041600Z FEB 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 7603

INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L BRASILIA 0937

USUN FOR OXMAN

FOR MAW FROM CLINGNAN

E.O.11652: GDS

TAGS: PLOS, EFIS, BR

SUBJECT: US-BRAZIL SHRIMP NEGOTIATIONS - USDEL REPO NO. 1

SUMMARY: NEGOTIATIONS OPENED FEB 3 WITH GOB
ASSURANCES THAT JURIDICAL BASIS OF 1972 TREATY
NEED NOT BE AFFECTED BY RENEGOTIATION. DRAFT TABLED
BY GOB GENERALLY FOLLOWS 1972 TEXT WITH IMPORTANT
EXCEPTIONS. GOB OPENING POSITION IS PHASE-DOWN
IN NUMBER OF U.S. SHRIMP VESSELS IN TREATY AREA
FROM 325 IN 1972 TREATY TO 160 IN 1975 SEASON,
120 IN 1976 AND 38 IN 1977. GOB ALSO SEEKS
QUOTE OPERATIONAL FEE AND QUOTE OF \$3400 PER VESSEL.
USDEL WILL MAKE CLEAR THAT THESE FIGURES ARE
TOTALLY UNACCEPTABLE. END SUMMARY.

1. NEGOTIATIONS OPENED FEB 3. GOB DEL CONSISTS
OF AMB PAULO CABRAL DE MELLO, CHAIRMAN AND
FONMIN CHIEF OF ECONOMIC DEPARTMENT: MINISTER
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SERGIO FERNANDO BATH, FONMIN CHIEF OF BASIC PRODUCTS

DIVISION: COUNSELOR PAULO FRASSINETTI PINTO, FONMIN:
SECRETARY FLAVIO MIRAGAIA PERRI, FONMIN: SECRETARY
WILMARY MANUEL PENNA, FONMIN: CAPT. SOUTO MAIOR DE
CASTRO, NAVY: CDR. FERNANDO ROLANDA, NAVY: JOSE
AQUILINO DE ALMEIDA FILHO, SUDEPE: AND SOLONEY JOSE
CORDEIRO DE MOURA, SUDEPE. BATH IS IN CHARGE OF
ACTUAL NEGOTIATIONS.

2. BATH WELCOMED USDEL AND EXPLAINED PHILOSOPHY
UNDERLYING GOB SHRIMP TALKS WITH USG, BARBADOS, TRINIDAD
AND TOBAGO AND SURINAM. BARBADOS AND TRINIDAD AND
TOBAGO TALKS COMPLETED. EMPHASIZED POLICY APPROVED
AT HIGH LEVEL GOB. THREE PRINCIPLES TO BE APPLIED
ARE QUOTE PHASE-OUT UNQUOTE OF FOREIGN FISHING, SPECIAL
PREFERENCE FOR NEIGHBORING DEVELOPING COUNTRIES AND
NEED FOR BETTER SCIENTIFIC INFO ON STATE OF FISH STOCKS.
BATH REITERATED SEVERAL TIMES THROUGHOUT DAY THAT GOB
DOES NOT WISH TO NEGOTIATE JURIDICAL POSITIONS AND
EXPLAINED THAT QUOTE PHASE-OUT UNQUOTE DOES NOT MEAN
ZERO QUOTA FOR U.S. IN THIRD YEAR OF THREE- YEAR NEW
AGREEMENT. BATH EMPHASIZED GOB DESIRE TO ENCOURAGE
JOINT VENTURES WITH U.S. INDUSTRY. GOB ESTIMATES
THAT OVERALL 400 VESSELS MAY FISH TREATY AREA.

3. CLINGAN GAVE GENERAL OPENING STATEMENT EMPHASIZING
CONSERVATION PURPOSE OF 1972 TREATY AND NEED TO CONTINUE
CONSERVATION MEASURES, NOTING DEPRESSED STATE
OF U.S. SHRIMP INDUSTRY, AND REITERATING THAT U.S.
ACCEPTANCE OF COASTAL STATE, JURISDICTION OVER LIVING
RESOURCES IN A 200-MILE ZONE IS CONDITIONED ON SEVERAL
FACTORS, INCLUDING THAT SUCH JURISDICTION BE PART OF
COMPREHENSIVE LOS AGREEMENT.

4. GOB DEL TABLED DRAFT WORKING TEXT WHICH CLOSELY
FOLLOWS STRUCTURE OF 1972 TREATY. HIGHLIGHTS OF
DRAFT FOLLOW:

A. PREAMBLE NOT PATTERNED ON 1972 TREATY. HEAVY
EMPHASIS ON GOB DESIRE TO ENCOURAGE JOINT VENTURES. NO
REFERENCE TO CRUSTACEANS WHICH ARE HEAVILY DEPENDENT
ON SEABED.

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B. ART. I AND II IDENTICAL TO 1972 TREATY.

ART. III DELETES ART. III, PARA. 3 OF 1972 TREATY.

C. ART. IV ADDS COPIES OF VESSEL DOCUMENTS TO
LIST OF INFO TO BE TRANSMITTED TO GOB AND EXPLICITLY
NAMES GOB IN PLACE OF EXISTING INDIRECT REF. ART. II,
PARA. 3 IS MUCH MORE DETAILED, EXTENDING GOB VERIFICATION
TO COMPLIANCE WITH QUOTE SPECIFICATIONS UNDER THIS
AGREEMENT UNQUOTE IN PLACE OF QUOTE UNDER PARA. 1 OF

THIS ARTICLE UNQUOTE.

D. ART. V IS IDENTICAL IN ALL RESPECTS EXCEPT THAT THE PORT OF BELEM IS SPECIFIED IN PARAS. 2 AND 3 FOR DELIVERY OF SEIZED VESSEL UNLESS OTHERWISE AGREED.

E. ART. VI WOULD OBLIGATE USG TO PAY QUOTE OPERATIONAL FEE ENDQUOTE OF \$3400 PER VESSEL WHICH CARRIES OUT FISHING OPERATIONS IN TREATY AREA. ALSO ART. VI WOULD OBLIGATE USG TO PAY ADDITIONAL UNSPECIFIED AMOUNT FOR SPECIAL EXPENSES IF VESSELS SIZED. GOB DRAFT NONETHELESS INCLUDED DRAFT NOTES WITH BLANK SPACE FOR LUMP SUM ANNUAL PAYMENT BY USG WITH NO REFERENCE TO SPECIAL EXPENSES FOR SEIZURES.

F. REMAINING ARTICLES VIRTUALLY IDENTICAL.

G. ANNEX I IDENTICAL. ANNEX II DELETES LIMIT ON NUMBER VESSELS PERMITTED TO FISH AREA AT ANY ONE TIME AND SETS FOLLOWING PHASE-DOWN LIMITS: 160 VESSELS IN 1975, 120 IN 1976, AND 38 IN 1977.

H. NO AGREED MINUTE OR INTERIM ARRANGEMENT INCLUDED IN GOB DRAFT.

5. COMMENT: MANY JURIDICAL ISSUES, PARTICULARLY ART. V, APPEAR TO BE AVOIDED BY GOB RELIANCE ON 1972 TREATY. USDEL WILL NOT ACCEPT GOB DRAFT PREAMBLE, ART. VI, PHASE-DOWN FIGURES, OR SEVERAL OTHER LESS FUNDAMENTAL CHANGES. USDEL WILL SEEK EXTENSION EXISTING TREATY BUT WILL INSIST ON LUMP SUM ANNUAL PAYMENT FOR ENFORCEMENT LESS DIRECTLY RELATED TO NUMBER OF VESSELS, SPECIFICATION OF SPECIAL EXPENSES FOR SEIZURES, AND LESS DRASTIC PHASE-DOWN IF ANY. GOB STATEMENTS OF INTENT TO ACCOMMODATE JURIDICAL POSITION OF U.S. ARE INCOMPATIBLE WITH DRASTIC PHASE-DOWN UNRELATED TO CONSERVATION AND DRASTIC INCREASE IN FEES FOR ENFORCEMENT.

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6. USDEL MAY BE ABLE TO DISCRETELY DELETE ALL REFERENCES IN PREAMBLE TO SHRIMP AS A CONTINENTAL SHELF RESOURCE. ISSUE MAY ARISE. GUIDANCE REQUESTED SOONEST ON CURRENT US LOS POSITION ON FULL UTILIZATION OF CSFR. CRIMMINS

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TAGS: PLOS, EFIS, BR, US
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